



Equal Opportunity

Program Orientation

Hello,

We've made a promise to the American people to provide Equal Opportunity (EO) to our Airmen, both military and civilian. Guaranteeing our civil rights is essential to our Air Force and one of our basic responsibilities. Air Force policy on this is straightforward: provide equitable opportunities to our most important resource--our people--and to ensure our work, living, and recreation areas remain free of unlawful discrimination, to include sexual harassment. You have been entrusted to carry this out; our Airmen count on it.

Everyone has the responsibility to address EO concerns at the lowest level--this is the most effective approach. Commanders, directors, first sergeants, and supervisors must ensure all appropriate resources are used. This brochure is intended to assist you in carrying out this important responsibility.

We could not be the world's greatest Air Force if any of our people were subjected to discrimination and or sexual harassment. We must be alert to any indication of discrimination or harassment and ensure that any offense is corrected; fulfilling our responsibility of ensuring equal opportunity and treatment for all.

If you need assistance please feel free to contact an EO Advisor from our staff. We are ready to assist you in whatever capacity we can.

Thank you,

Director, Equal Opportunity

Welcome.

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EEO Statutes & Policy Guidance

Title VII of the Civil Rights Act of 1964

Title VII of the Civil Rights Act of 1964: Prohibits employment discrimination based on race, color, religion, sex and national origin (EEOC).

DOD Policy and Air Force Policy

DOD Policy: Promote an environment free from personal, social, or institutional barriers that prevent Service members from rising to the highest level of responsibility possible. Service members shall be evaluated only on individual merit, fitness, and capability. Unlawful discrimination against persons or groups based on race, color, religion, sex, or national origin is contrary to good order and discipline and is counterproductive to combat readiness and mission accomplishment. Unlawful discrimination shall not be condoned (DODD 1350.2).

AF Policy (Military): The Air Force will conduct its affairs free from unlawful discrimination and sexual harassment. It provides equal opportunity and treatment for all members irrespective of age, color, national origin, race, ethnic group, religion, or gender,

except as prescribed by statute or policy (AFI 36-2706).

AF Policy (Civilian): It is AF policy to provide equal opportunity in employment for all persons and maintain a work environment free from unlawful discrimination. Resolving EEO complaints at the lowest possible organizational level is essential to Air Force mission accomplishment, employee morale and work productivity (AFI 36-1201).

Dissident and Protest Activities

DOD policy prohibits Service members from actively participating in extremist group activity (DODD 1325.6). Commanders must preserve the service member's right of expression to the maximum extent possible, consistent with good order, discipline, and national security (AFI 51-903).

No Fear Act

To require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws, to require that each Federal agency post quarterly on its public Web site, certain

statistical data relating to Federal sector equal employment opportunity complaints filed with such agency; and for other purposes (Public Law 107-174).

Diversity

Diversity in the Air Force is broadly defined as a composite of individual characteristics, experiences, and abilities consistent with the Air Force Core Values and the Air Force Mission. Air Force Diversity includes, but is not limited to, personal life experiences, geographic background, socioeconomic background, cultural knowledge, educational background, work background, language abilities, physical abilities, philosophical/spiritual perspectives, age, race, ethnicity and gender (Former Secretary Michael Wynne).



The EO Program

Program Objective

The objective of the EO program is to enhance mission effectiveness by assisting commanders at all levels with EO issues and through training by providing Human Relations Education (HRE).

Scope and Limitations

The EO Office will inform commanders of problems that may adversely affect member's behavior, health, duty performance, or mission.

Discrimination & Sexual Harassment

Unlawful Discrimination

Unlawful discrimination (Military): Discrimination on the basis of color, national origin, race, religion, or sex that is not otherwise authorized by law or regulation. Unlawful discrimination can occur through specific actions, verbal or written communications, or combinations of conduct (AFI 36-2706).

Discrimination (Civilian): An unlawful employment practice that occurs when an employer fails or refuses to hire, discharge, or otherwise discriminates against any individual with respect to compensation, terms, conditions, or privileges of employment because of race, color, religion, sex, national origin, age, reprisal, physical or mental disability (AFI 36-1201).

Discrimination & Sexual Harassment

Religious Accommodation

It is DOD policy that requests for accommodation of religious practices *should* be approved by commanders when accommodation will not have an adverse impact on military readiness, unit cohesion, standards, or discipline (DODD 1300.17).

Civilians: Federal law requires an agency to accommodate employees' exercise of their religion unless such accommodation would impose an undue hardship on the conduct of the agency's operations (Title VII).

Committed to upholding the safeguards of Title VII, DOD and civilian policies promote work environments free from unlawful discrimination based on religion. Accommodation of a member's religious practices cannot be guaranteed at all times but must at times yield to matters of military necessity. Determination of necessity rests with the commanding officer.

Determinations regarding religious accommodation requests must be made based on reason, policy, doctrine, and law, *not* religious prejudice or ignorance of religious diversity within the DOD.

Sexual Harassment

According to the Equal Employment Opportunity Commission (EEOC) and Department of Defense Directive (DODD) 1350.2, sexual harassment is defined as a form of sex discrimination that involves **unwelcome** sexual advances, requests for sexual favors, and other verbal or physical conduct of a **sexual nature** when...

1. Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay or career, or (**quid pro quo**).
2. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or (**quid pro quo**).
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment (**hostile environment**).

Hostile environment claims generally require establishing or showing a pattern of offensive behavior, while in Quid Pro Quo, a single advance may constitute harassment if it is linked to granting or denial of employment benefits (EEOC).

Discrimination & Sexual Harassment

Work environment is the workplace or any other place that is work connected, as well as the conditions or atmosphere under which people are required to work. For military members **“workplace”** is an expansive term and may include conduct on or off duty, 24 hours a day (DODD 1350.2).

Behaviors that may constitute sexual harassment fall into three categories: verbal, nonverbal, and physical. Keep in mind everyone has their own feelings and interpretations of what are acceptable and unacceptable behaviors.

There is a fine line between sexual harassment and sexual assault. You already know the definition of sexual harassment, here is the definition of sexual assault. Sexual assault is intentional sexual contact, characterized by ***use of force, physical threat, or abuse of authority*** or when the victim ***does not or cannot consent***. The mention of this definition is to quickly show the difference between harassment and assault. If you have other questions about sexual assault, please contact the local Sexual Assault Response Coordinator (SARC).





MILITARY

Military Complaints

Members are encouraged to use the chain of command to identify and correct unlawful discriminatory practices. This includes processing and resolving complaints of unlawful discrimination and sexual harassment. The chain of command is responsible for creating an environment free from unlawful discrimination and sexual harassment.

Two options are available:

1. Informal: The individual may resolve the complaint on his or her own, request intervention from a coworker, use the chain of command, or use the Alternate Dispute Resolution (ADR). ADR is used to facilitate communications between the disputants and lead to the early resolution of informal cases.
2. Formal: Complaint is filed and addressed by the EO office. The complainant has 60 days from the time the alleged behavior occurred to file a formal complaint. The complainant must provide extenuating circumstances if they exceed this timeframe. The EO office conducts a complaint clarification to determine whether a formal EO complaint is supported by a preponderance of the credible evidence. The complaint clarification process includes interviewing or taking statements from persons (complainant, witnesses, and alleged offender) who may have information relevant to the complaint and gathering data from records or reports.



Military Complainants

What You Should Know

1. THE PROGRAM

The EO program seeks to eliminate unlawful discrimination and sexual harassment against military personnel, family members and retirees based on race, color, national origin, religion, and sex to include sexual harassment. These are the areas that fall within the EO purview.

2. CONFIDENTIALITY

The EO office does not have privilege of confidentiality. However, all information is “For Official Use Only,” and the privacy of individuals will be protected as much as possible. This implies that we must report suspected wrongdoing or criminal activity. Further, information regarding your case may be disclosed to your chain-of-command or others who have an official need for this information in executing their official duties (e.g., SJA, IG, or those conducting high-level investigations).

3. IMMEDIATE REFERRALS

There are times when EO must make immediate referrals to the chain-of-command, Office of Special Investigations, Security Forces, SARC, Inspector General, or Equal Employment Opportunity manager. In addition, if your concern does not fall within the EO purview, we will assist in referring you to an appropriate helping agency.

Military Complainants

What You Should Know

4. SEXUAL ASSAULT

EO does not handle Sexual Assault issues, however, we are required to explain both Sexual Assault and Sexual Harassment definitions to you. If your complaint might involve a sexual assault, or if you are not sure whether it is related to a sexual assault, I need to refer you to the installation SARC in order to protect your right to explore your options for restricted (confidential) reporting of a sexual assault. The SARC will be able to provide assistance to you without prompting an investigation if you meet the criteria for making a restricted report. That determination must be made by the SARC, not by EO. If the SARC determines that your issue is not related to a sexual assault, the SARC may refer you back to the EO office for continued assistance within the EO purview. Be advised that if you do disclose that you are a victim of sexual assault during this interview, I must refer your complaint to OSI or SF for an investigation. Therefore, if you are a sexual assault victim and you want to explore the possibility of making a restricted report, you must talk to the SARC.

5. SEXUAL ASSAULT DEFINED

Sexual Assault (ref: Department of the AF Policies and Procedures for the Prevention of and Response to Sexual Assault, 3 Jun 05) is defined as, "Intentional sexual contact, characterized by use of force, physical threat or abuse of authority or when the victim does not or cannot consent. Sexual assault includes rape, nonconsensual sodomy (oral or anal sex),

indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts. Sexual assault can occur without regard to gender or spousal relationship or age of victim. Consent shall not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, coercion or when the victim is asleep, incapacitated, or unconscious."

6. SEXUAL HARASSMENT DEFINED

Sexual Harassment (ref: AFI 36-2706) is defined as, "A form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay or career or (quid pro quo harassment). Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person or (quid pro quo harassment). Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment. This definition emphasizes that workplace conduct, to be actionable as "abusive work environment" harassment, need not result in concrete psychological harm to the victim, but rather need only be so severe or pervasive that a reasonable person would perceive--and the victim does perceive, the work environment as hostile or offensive. ("Workplace" is an

Military Complainants

What You Should Know

expansive term for military members and may include conduct on or off duty, 24 hours a day). Any person in a supervisory or command position who uses or condones any form of sexual behavior to control, influence or affect the career, pay or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcome verbal comments (such as slurs or jokes), written communications (such as emails or cartoons), gestures or physical contact of a sexual nature in the workplace is also engaging in sexual harassment.”

7. YOU WILL BE ASKED TO CLARIFY!

Do you understand the definition of sexual harassment and sexual assault? Would you like to be referred to the SARC?

8. COMPLAINANT OPTIONS

If your concern falls within the EO purview and is related to unlawful discrimination, you have two complaint options available.

9. INFORMAL COMPLAINT

This process attempts to resolve issues at the lowest possible level. You may:

1. Orally or in writing address your concerns to the alleged offender.
2. Request intervention by a coworker.
3. Use your chain of command.



Military Complainants

What You Should Know

4. Opt for the Alternate Dispute Resolution (ADR) process. ADR is used to facilitate communication between disputants to aid in early resolution. Facilitation is an ADR technique authorized to resolve informal EO complaints. The EO staff can offer the services of an EO specialist who is trained as a facilitator.

10. INFORMAL COMPLAINT TIME LIMITS

There are no time limits for filing informal complaints. However, if you choose to file a formal complaint and the allegations are more than 60 days old, you, must submit justification or extenuating circumstances to the EO office for review and subsequent approval by the installation commander (IC).

11. FORMAL COMPLAINTS

This option allows your complaint to be entered into formal complaint channels; the EO staff will conduct the complaint clarification. The purpose of the complaint clarification is to gather the facts of the matter and determine whether the allegations are supported by a preponderance of credible evidence (“Evidence which is of greater weight or which is more credible and convincing to the mind than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be provided is more probable than not.”). The EO staff will keep you informed of the status at each step of the process. Formal complaints may only be withdrawn in writing with the approval of the MEO Chief.

12. FORMAL COMPLAINT TIMELINES (NON SEXUAL HARASSMENT)

1. EO has nine duty days to conduct complaint clarification
2. SJA has six duty days to complete legal review
3. The unit commander has five duty days to outline intended actions Extensions may be granted by the Chief of MEO if necessary

13. FORMAL COMPLAINTS TIMELINES (SEXUAL HARASSMENT)

Sexual harassment processing times are shorter:

1. EO has six duty days
2. SJA has four duty days
3. The commander has four-duty days

14. THE “OUTBRIEF” i

Upon completion of the complaint clarification, legal review, and commander’s review/action, we will ask you to return for an out brief on the outcome of the complaint.

It will cover:

1. The findings of your allegations i.e. allegations substantiated or unsubstantiated. (The EO staff cannot discuss any corrective/disciplinary actions taken by commanders)
2. The Appeal process
3. Referral to the IG if you have experienced retaliation or reprisal



Military Complainants What You Should Know

4. Your satisfaction or dissatisfaction of the complaint process

The EO staff will conduct a 30 day follow-up, once the out brief has been completed.

15. FORMAL COMPLAINT LIMITATIONS

1. Military members: If your complaint is related to your off-base or off-duty employment, the complaint must be referred to the appropriate agency for resolution.
2. Family members or retirees: If your complaint is related to your employment, the complaint must be referred to the appropriate agency for resolution.

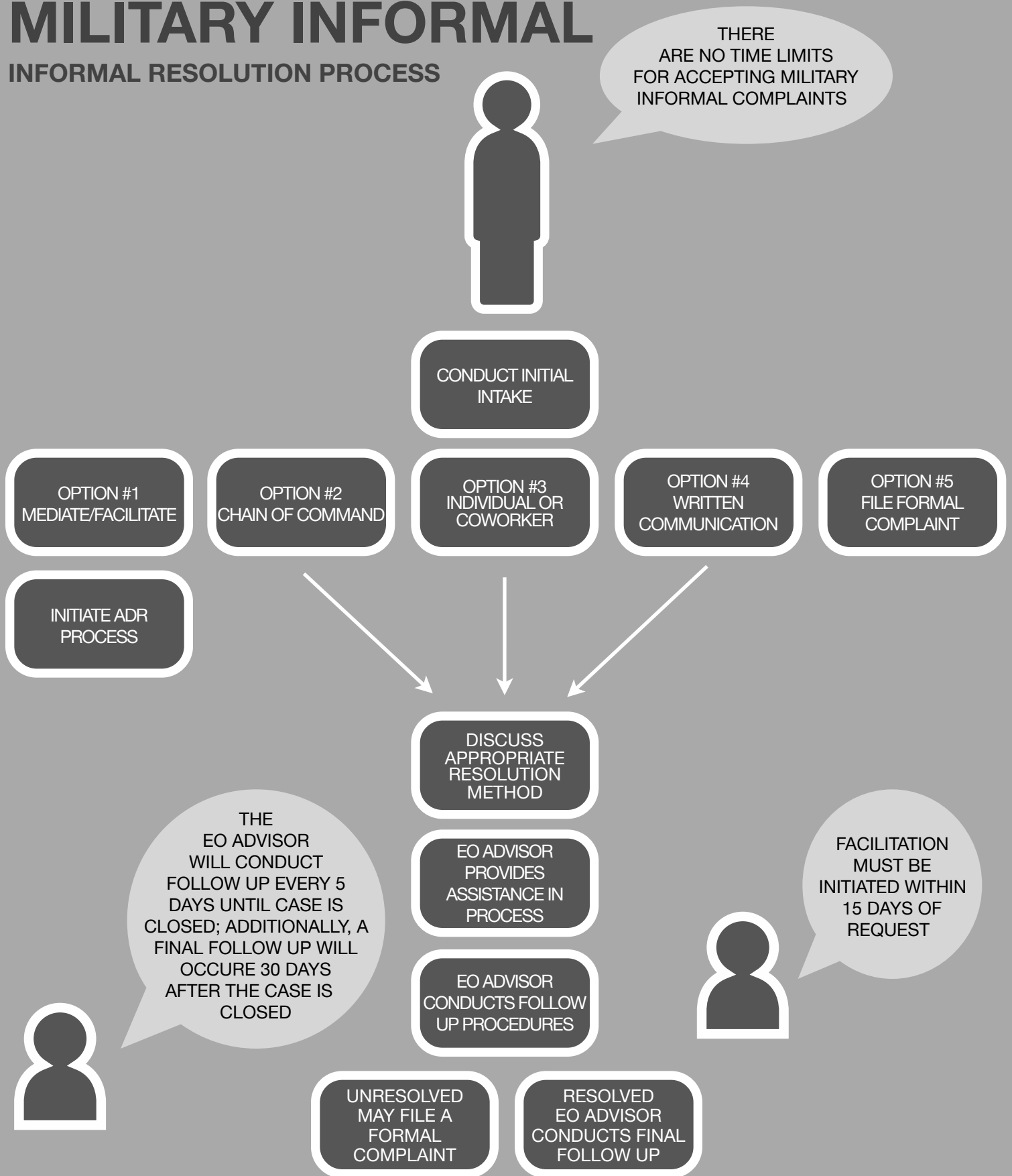
16. APPEAL RIGHTS

Appeal processes are available for both informal and formal complaints. The sole mechanism for appealing the disposition of an informal complaint is to file a formal complaint. Both the complainant(s) and subject(s) of a formal complaint may appeal the findings. However, there are no formal complaint appeal channels available for family members or retirees. Active duty Air Force members who separate or retire from the Air Force may not appeal a formal complaint.

The IC, MAJCOM/CV, and SAF/MRB are authorized to decide appeals. Complainants and offenders must submit appeals through the EO office within 30 calendar days after the out brief/notification on the results of the complaint. The IC may approve the processing of an appeal submitted more than 30 calendar days after notification.

MILITARY INFORMAL

INFORMAL RESOLUTION PROCESS



MILITARY FORMAL

CLARIFICATION PROCESS



THE
EO ADVISOR WILL
CONDUCT FOLLOW UP
EVERY 5 DAYS UNTIL CASE IS
CLOSED; ADDITIONALLY, A
FINAL FOLLOW UP WILL
OCCURE 30 DAYS AFTER
THE CASE IS CLOSED



THE
COMPLAINANT HAS 60
DAYS TO FILE A FORMAL
COMPLAINT FROM THE INCIDENT
DATE WITHOUT OBTAINING IC
APPROVAL

CONDUCT INITIAL
INTAKE WITH
COMPLAINANT

REFERRAL
COMPLAINT

FORMAL COMPLAINT
CLARIFICATION

FORMAL COMPLAINT
INVESTIGATION

INSTALLATION
COMMANDER WILL
ADDRESS CONCERN
WITH AGENCY

INTERVIEWS WITH
NON AF PERSONNEL ARE
DISCUSSED WITH PUBLIC
AFFAIRS, LEGAL, &
INSTALLATION
COMMANDER

INTERVIEWS WITH AF
PERSONNEL ARE
COORDINATED WITH THE
APPROPRIATE
COMMANDER

EO ADVISOR SERVES
AS SUBJECT MATTER
EXPERT

EO ADVISOR
SERVES AS THE
ADMINISTRATIVE
AGENT

EO DIRECTOR
REVIEWS CASE
MATERIAL

REPORT OF INQUIRY
REVIEWED BY EO
ADVISOR

EO ADVISOR
CONDUCTS FOLLOW
UP UNTIL CLOSED

FINAL REPORT
COORDINATED
WITH LEGAL
OFFICE

EO DIRECTOR
REVIEWS CASE
MATERIAL

REPORT OF
INQUIRY
COORDINATED
WITH LEGAL
OFFICE

CLARIFICATION
TIMELINES:

9 DAYS - EO OFFICE
6 DAYS - LEGAL OFFICE
5 DAYS - COMMANDER

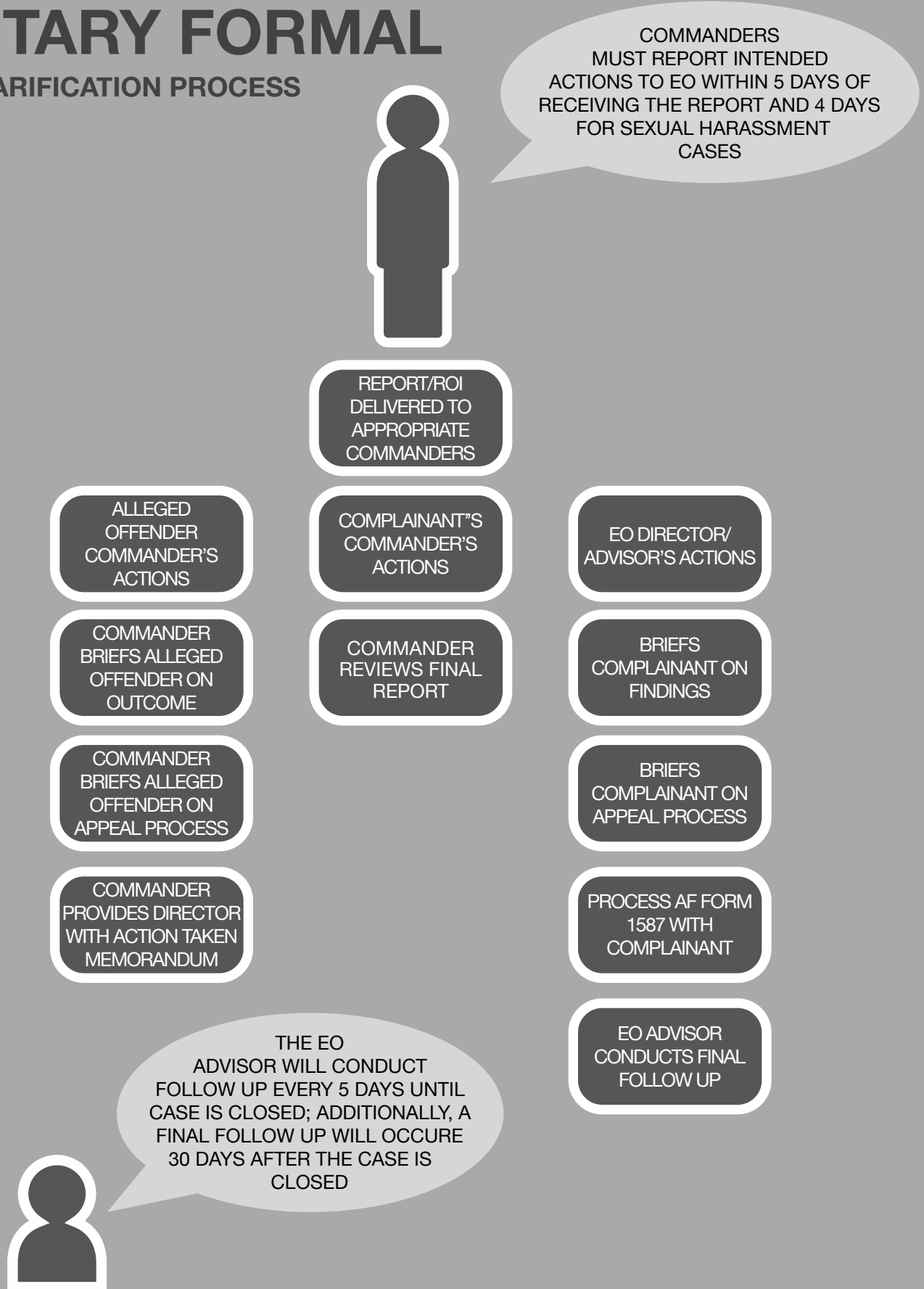
SEXUAL
HARASSMENT
TIMELINES:

6 DAYS - EO OFFICE
4 DAYS - LEGAL OFFICE
4 DAYS - COMMANDER



MILITARY FORMAL

POST CLARIFICATION PROCESS





CIVILIAN

Civilian Complaints

An aggrieved person who believes that s/he has been discriminated against on the basis of race, color, religion, sex, national origin, age, disability or who believes that s/he has been subjected to sexual harassment or retaliated against for opposing discrimination or for participating in the complaint process must consult an EO counselor before filing a formal complaint (29 CFR 1614.105).

1. Informal: EO attempts to resolve complaint, to include the use of ADR, based on complainant remedies.
2. Formal: Complaint is investigated by Investigative Resolution Division (IRD).

In order for the complaint to be processed at the formal stage, the initial contact must be within 45 calendar days of the date of the matter alleged to be discriminatory or, in the case of a personnel action, within 45 calendar days of the effective date or when s/he becomes aware of the personnel action. The 45-day time limit may be extended for reasons outlined in 29 C.F.R. Section 1614.105(a). To be deemed as initiating contact, the aggrieved person must state a basis of his/her claim.

Civilian Complainant's Rights & Responsibilities

1. Your rights and responsibilities under the revised regulations include the following:

a. Prior to filing a formal complaint, you have the right to remain anonymous, unless you otherwise grant permission to reveal your identity. Once you file a formal complaint, anonymity will be automatically rescinded.

b. You have the right to be accompanied, represented and advised by a representative of your choice. Note: The Equal Employment Opportunity (EEO) Specialist is not an advocate for either the aggrieved person or the agency. You are allowed reasonable official time to prepare your complaint. If your representative is an agency employee, s/he is allowed a reasonable amount of official time to prepare the complaint and respond to Agency and EEOC requests for information.

c. You have the right to choose between Alternative Dispute Resolution (ADR) or EEO counseling, where the agency agrees to offer ADR. When you agree to participate in an established ADR program, the written notice terminating the counseling period will be issued upon completion of the dispute resolution process or within ninety (90) calendar days of the first contact with the EEO Specialist, whichever is earlier.

d. If your allegation(s) are of sexual harassment, you may choose to file your complaint under Section 591 of the 1998 National Defense Authorization Act (NDAA), codified at 10 U.S.C. Section 1561, 29 C.F.R. Part 1614, or both simultaneously. Filing under Section 1561 will not serve to exhaust administrative remedies with respect to 29 C.F.R. Part 1614. Command decisions under 1561 are

final, with no right of appeal to court, and compensatory damages are not awardable.

e. You may be required to choose between a negotiated grievance procedure and the EEO complaint procedure. Consult your EEO Specialist for clarification.

f. You may be required to choose between the EEO complaint procedure and an appeal to the Merit Systems Protection Board (MSPB). Consult your EEO Specialist for clarification.

g. You have the right to file a formal complaint, at the conclusion of counseling or ADR, within 15 calendar days of receipt of the Specialist's Notice of Right to File a Discrimination Complaint letter.

h. You have the right to file a notice of intent to sue when age is alleged as a basis for discrimination; and the right to file a lawsuit under the Age Discrimination in Employment Act (ADEA) instead of an administrative complaint of age discrimination pursuant to 29 C.F.R. Section 1614.201(a). (You must give the EEOC not less than 30 days notice of intent to file such an action. This notice must be filed, in writing, with EEOC, at P.O. Box 19848, Washington, D.C. 20036, or by personal delivery or facsimile within 180 days of the occurrence of the alleged unlawful practice).

i. You have the right to go directly to a court of competent jurisdiction on claims of sex-based wage discrimination under the Equal Pay Act even though such claims are also cognizable under Title VII.

j. You have the right to request a hearing before an EEOC Administrative Judge (except in a mixed

Civilian Complainant's Rights & Responsibilities

case) after completion of the investigation or 180 calendar days from the filing of a formal complaint, whichever comes first. Your request should be made directly to the appropriate EEOC office, and you must notify the responding agency of your hearing request. Consult the EEO Specialist for information on where a request for a hearing and notice to the agency should be sent. Alternatively, if you have not requested a hearing, you may request an immediate final decision after an investigation by the agency. If it is a mixed case or you have not requested a final decision, the agency will issue a final decision in accordance with 29 C.F.R. Section 1614.108(f).

k. You have the right to go to U.S. District Court 180 calendar days after filing a formal complaint if no final action has been taken on the complaint, or 180 days after filing an appeal if no decision has been issued on the appeal.

l. You have a duty to mitigate damages, i.e. you must look for other appropriate employment and you must seek treatment for any injury you claim.

m. You have a duty to keep the agency and EEOC informed of your current mailing address and serve copies of hearing requests and appeal papers on the agency.

n. Where counseling is selected, you have the right to receive in writing within 30 calendar days of the first counseling contact (unless you agree in writing to an extension) a notice terminating counseling and informing you of: (1) the right to file a formal individual or class complaint within 15 calendar days of receipt of the notice, (2) the appropriate official with whom to file a formal complaint, and (3) your duty to immediately inform the agency if you retain counsel or a representative.

o. Only claims rose at the counseling stage or claims that are like or related to them may be the subject of a formal complaint, or an amendment to a complaint after it has been filed.

p. Your rejection of an agency's offer of resolution made pursuant to 29 C.F.R. Section 1614.109(c) may limit the amount of attorney's fees or costs you can recover. i

q. If you have filed two or more complaints, the agency must consolidate them after appropriate notice to you [29 C.F.R. Section 1614.606]. When a complaint has been consolidated with one or more earlier complaints, the agency shall complete its investigation within the earlier of 180 days after the filing of the last complaint or 360 days of the filing of the first complaint.

2. You will be asked to acknowledge receipt of your rights and responsibilities regarding an EEO complaint. You will also be advised of the evidentiary requirements for claims of compensatory damages.



Civilian's Broughton Rights & Responsibilities

1. If you prevail in your complaint of discrimination, you may be entitled to compensatory damages for the harms, injuries, or losses caused by that discrimination. The Civil Rights Act of 1991 authorized payment of compensatory damages in complaints against federal agencies for some types of complaints. Compensatory damages are not available in disability discrimination cases where the employer demonstrates good faith efforts at reasonable accommodation; in cases where the sole basis is age; in cases where discrimination is shown, but the employer demonstrates it would have taken the same action in the absence of the impermissible motivating factor; or in cases where the conduct or complaints occurred prior to 21 November 1991.

2. Consistent with the guidance of the U.S. Equal Employment Opportunity Commission in *Broughton v. Department of Navy*, EEOC appeal No. 0195199 (April 25, 1996), you are advised as follows concerning the evidence required to show entitlement to compensatory damages. Compensatory damages may include payment for past pecuniary losses, future pecuniary losses and non-pecuniary losses.

3. Past pecuniary losses are quantifiable monetary or out-of-pocket expenses, such as medical bills, moving expenses, or job search expenses, which you have incurred as a result of the discriminatory conduct. In order to prove past pecuniary losses, you must (1)

Civilian's Broughton

Rights & Responsibilities

establish the amount of the losses through objective evidence such as bills, receipts, or canceled checks, and (2) demonstrate that the need for the expenses was caused by, or directly related to, the acts of discrimination.

4. Future pecuniary losses are out-of-pocket expenses, such as medical care or counseling, which will be incurred in the future due to the discriminatory conduct. Evidence of such losses must establish three elements: (1) the likelihood of future expenses, (2) the expected amount of future expenses, and (3) the causal relationship between the discriminatory conduct and the future expenses. Usually, expert testimony and/or medical documentation are required to show future pecuniary losses.

5. Non-pecuniary losses are non-monetary harms or injuries such as emotional pain or suffering, inconvenience, mental anguish, loss of enjoyment of life, injury to professional or credit standing, injury to character or reputation, or loss of health. In order to establish non-pecuniary losses, you must provide objective evidence of the nature, duration, severity, cause, and prognosis of the claimed injury. You must also establish a causal relationship between the discriminatory conduct and the claimed non-pecuniary losses.

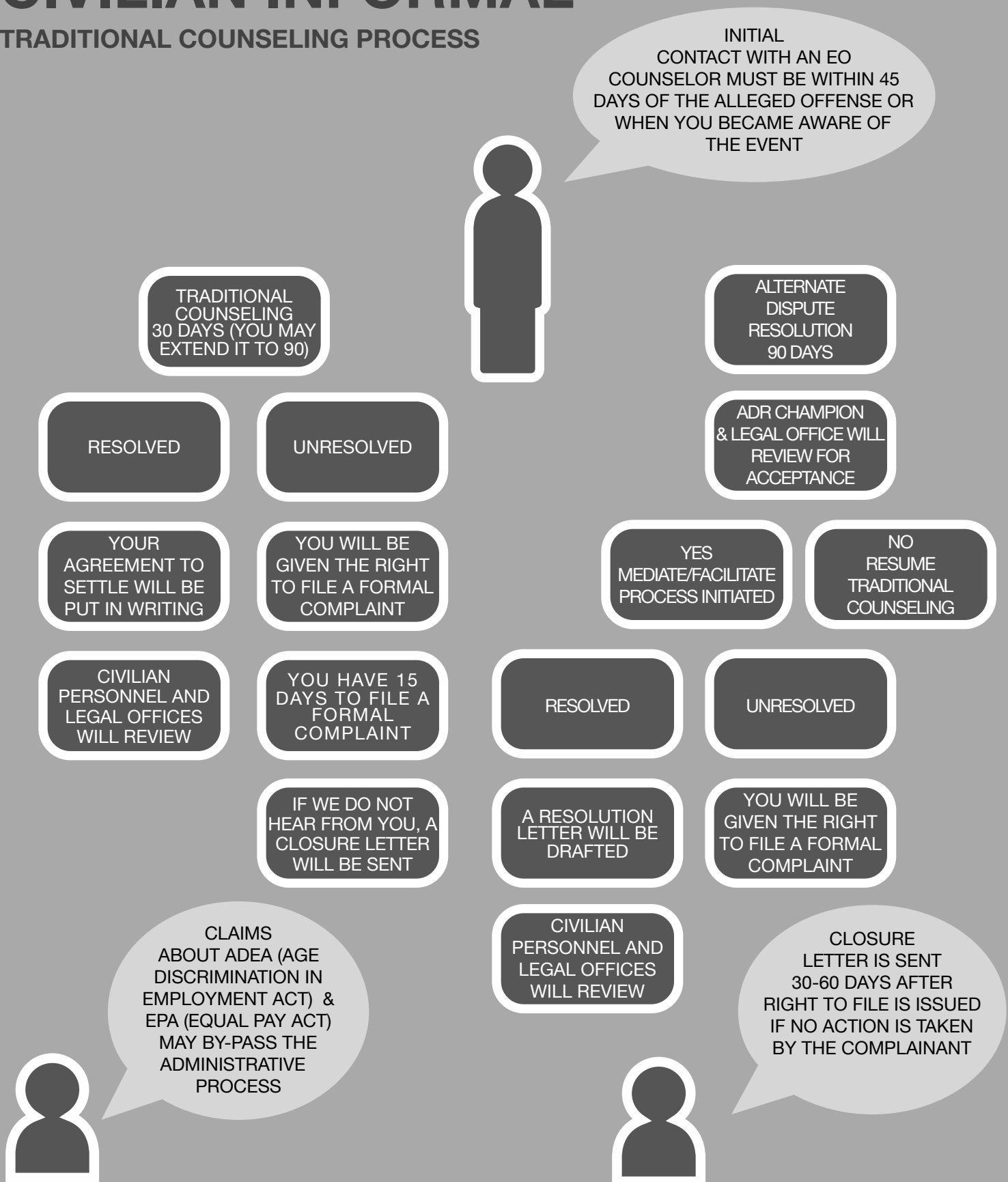
6. Objective evidence of harms or losses may include documents which show your actual expenses, if any, related to medical treatment, counseling, and so forth, pertaining to the injuries caused by the discrimination. You

should submit your own statement(s) concerning any past pecuniary losses, future pecuniary losses, or non-pecuniary losses that you believe were incurred as a result of the discriminatory conduct. You may also submit statements from family members, friends, health care providers, and other counselors (including clergy), addressing, for example, the outward manifestations or physical consequences of any losses, harms, or injuries which you claim were caused by the discriminatory conduct. You are once again reminded that you must establish a connection between the discriminatory conduct and any claimed injury.

7. Finally, you are advised that any claim of injury or harm may permit the agency to seek personal and sensitive information about you or those close to you. Such a detailed examination may be required to determine whether the claimed injury or harm actually exists, and whether your claim is linked solely, partially, or not at all to the discriminatory conduct.

CIVILIAN INFORMAL

TRADITIONAL COUNSELING PROCESS



CIVILIAN FORMAL

INVESTIGATIVE PROCESS



FORMAL COMPLAINT MUST BE FILED WITHIN 15 DAYS OF THE "RIGHT TO FILE A FORMAL COMPLAINT" BEING ISSUED BY THE AGENCY

COMPLAINANT'S REQUEST TO FILE A COMPLAINT IS RECEIVED

COUNSELOR'S REPORT IS SUBMITTED

EO COUNSELOR WILL IDENTIFY OTHER CLAIMS WITH CIVILIAN PERSONNEL OFFICE

THE LABOR LAW FIELD SUPPORT CENTER REVIEWS CLAIM

IRD INITIATES INVESTIGATION

THE LOCAL LEGAL OFFICE REVIEWS CLAIM

REPORT OF INQUIRY (ROI) IS SENT TO AFCARO

ROI SENT TO COMPLAINANT

ROI SENT TO EO DIRECTOR

RESPONSIBLE MANAGEMENT OFFICIAL (RMO) REVIEWS CLAIM

COMPLAINANT MAKES AN ELECTION (SEE PAGE 24)

EO DIRECTOR - COORDINATES ROI W/ RMO & SJA

DISMISSAL/ PARTIAL LETTER ISSUED

ACCEPTANCE LETTER ISSUED

COMPLAINANT MAY APPEAL TO EEOC

INVESTIGATIVE RESOLUTION DIVISION (IRD) IS CONTACTED

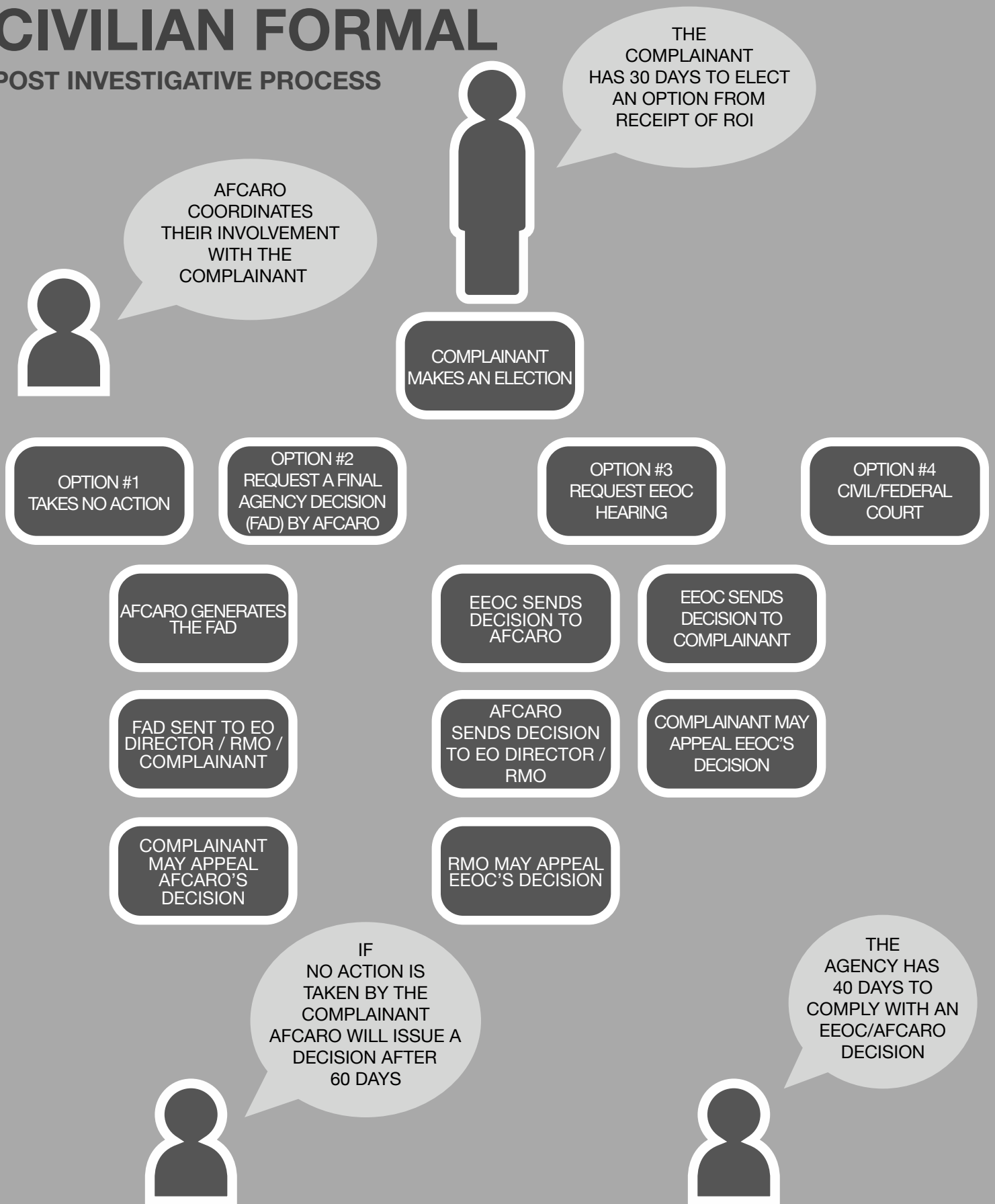
INVESTIGATION WITH IRD MUST BE REQUESTED WITHIN 30 DAYS OF RECEIPT OF COMPLAINT

180 DAYS IS AUTHORIZED FOR THE FORMAL COMPLAINT INVESTIGATIVE PROCESS



CIVILIAN FORMAL

POST INVESTIGATIVE PROCESS



Alternate Dispute Resolution

Rights & Responsibilities

1. It is the Policy of the United States Air Force to voluntarily use ADR to the maximum extent practicable and appropriate to resolve disputes at the earliest stage feasible, by the fastest and least expensive method possible, and at the lowest possible organizational level. Use of these techniques may resolve the entire issue in controversy or a portion of the issue in controversy.

2. ADR Program Availability. The Air Force ADR Program recognizes the value in using ADR techniques toward efficient and timely resolution of workplace disputes arising from a variety of administrative dispute procedures. If you want to learn more about the Air Force ADR Program and our results to date, or if you want more information about ADR generally, see the ADR Program web site at <http://www.adr.af.mil>.

3. Types of ADR Procedures. The ADR procedures currently employed within the Air Force are primarily Mediation or Facilitation. Other ADR procedures such as Binding Arbitration, Peer Review Panels, Ombudsman, and Early Neutral Evaluation can also be employed, but are not often used at this time. The definitions of Mediation and Facilitation are:

a. Mediation: A structured proceeding in which disputing parties use a trained Mediator to assist the parties in arriving at a mutually agreeable resolution. Mediation conferences usually involve private confidential meetings (caucuses) with the parties.

b. Facilitation: A flexible proceeding in which the Neutral uses an Interest Based Negotiation approach to assist the parties in achieving a better understanding of the issue(s) and a resolution of the dispute. Facilitation usually does not involve private

meetings (caucuses) with the parties, but may do so depending on the situation.

4. Time Frames for EEO Disputes and Using ADR Procedures. The EEO administrative process begins with an informal 30 day counseling procedure, involving complaint intake, counselor inquiry and fact-gathering activities. This period can be extended for not more than 60 days with the complainant's consent. If this process does not result in resolution, you have the right to file a formal complaint. The formal investigative procedure can take as long as 180 days before you can request a hearing before the Equal Employment Opportunity Commission (EEOC). The EEOC hearing procedure can take from 180 days to 400 days or more. In contrast, the ADR procedure may result in resolution of your issue(s) within 90 days of the date you originally brought the matter to the attention of the EEO office. Please note that if ADR is made available in your particular EEO complaint, then it can be attempted at any point during the processing of an EEO complaint.

5. Source(s) of Neutrals. The Air Force has invested time, money, and extensive training to develop a cadre of internal Neutrals. At most installations, there are trained Neutrals to assist parties through either of the ADR procedures mentioned above. If there is no Neutral available locally, there are Neutrals assigned to other Air Force bases that can travel to your installation to assist the parties. In the event there are no Neutrals available within Air Force resources, there are contract Neutrals that can be assigned by the Air Force General Counsel's Office, who can assist in attempting to resolve your local dispute matters.

6. Exceptions to ADR Availability. In some cases, ADR may not be appropriate because of the nature of the particular dispute. Accordingly, each EEO

Alternate Dispute Resolution

Rights & Responsibilities

complaint is evaluated to ensure it should be resolved through the use of an ADR process. Some examples of complaints that may not be appropriate for ADR include complaints that require a formal written decision, to determine precedent in a given case, that could affect the outcome of other similar (nonassociated or attached) cases. In addition, complaints involving potential criminal involvement, such as fraud, waste, or abuse are also not appropriate resolution in an ADR process. The Air Force does not, however, exclude complaints from consideration for ADR because of the type of EEO bases (e.g. race, color, religion, sex, age, national origin, disability or reprisal) alleged by a complainant.

7. ADR is Voluntary. The decision to use ADR for a particular complaint is completely voluntary. Management and the complainant must both agree to use ADR. Once the ADR proceeding has begun it can be terminated by either party. If the ADR process is terminated in this manner, the EEO complaint will then proceed into the formal complaint process. Please note that if an Air Force employee acted as the mediator then he or she will not be involved in the further processing of your complaint. i

8. Representation during ADR. You have the right to representation of your choice unless the representation would pose a conflict with the official or collateral duties of the representative. Your right to have a representative remains in effect during your participation in ADR. The process is fair to both parties and provides an opportunity for individuals to be heard and to develop options for resolution. You cannot be forced to agree to terms or outcomes if they are not satisfactory to you.

9. Air Force ADR Program Requirements. The Air Force is committed to providing ADR proceedings that reflect confidentiality, neutrality, and enforceability. Confidentiality applies to

ADR proceedings with regard to joint discussions between the parties where the neutral is providing information to either party and with regard to private discussions (caucuses) held by the neutral with a respective party. Neutrality is a cornerstone of the Air Force ADR program. The local Air Force installation, or contractor, Neutrals practice the highest standards of integrity and ethics in conducting ADR proceedings. Being able to enforce a settlement reached through the ADR process is very important. When reached, resolutions are reduced to writing, and they include appropriate safeguards for individuals if they believe that the terms of a particular written agreement have not been implemented.

10. Air Force Policy on Settlement Authority. If management offers ADR and you agree, an appropriate management official will participate in the proceeding. Any resulting settlement agreement will, upon approval by appropriate Air Force officials, be binding on the Air Force.



Who to Call?

If you are a complainant from...	Then call.....
AAFES	THE STORE MANAGER
AIR FORCE ELEMENTS (IN A GIVEN AGENCY)	AF EO ADVISOR OR HOST EO TECHNICIAN
ANONYMOUS COMPLAINANT	AF EO ADVISOR
DEFENSE COMMISSARY AGENCY (DECA)	STORE MANAGER
DEPARTMENT OF AIR FORCE CIVILIANS (APPROPRIATED FUNDS)	AF EO ADVISOR
DEPARTMENT OF AIR FORCE CIVILIANS (NON-APPROPRIATED FUNDS)	AF EO ADVISOR
DEPARTMENT OF DEFENSE CIVILIANS (APPROPRIATED FUNDS)	AF EO ADVISOR OR HOST EO TECHNICIAN
DEPARTMENT OF DEFENSE CIVILIANS (NON-APPROPRIATED)	AF EO ADVISOR OR HOST EO TECHNICIAN
DEPARTMENT OF DEFENSE DEPENDENT SCHOOLS (DODDS)	PRINCIPLE
LOCAL NATIONAL PERSONNEL (ANY AFFILIATION)	LOCAL NATIONAL COMMANDER OR CHAIN OF COMMAND
US AIR FORCE (ACTIVE DUTY)	AF EO ADVISOR
US AIR FORCE RESERVE	AF EO ADVISOR
US AIR FORCE NATIONAL GUARD	AF EO ADVISOR
US ARMY (ACTIVE DUTY)	ARMY EO ADVISOR
US GOVERNMENT CONTRACTORS	SENIOR SITE REPRESENTATIVE, MISSION ENGINEERING CHIEF, OR CONTRACTING OFFICER
US MARINES (ACTIVE DUTY)	MARINE EO ADVISOR
US NAVY (ACTIVE DUTY)	NAVY EO ADVISOR



EQUAL OPPORTUNITY OFFICE